

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YUE ZHOU, et al.,

Plaintiffs,

-against-

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION, et al.,

Defendants.

ORDER

21-CV-10600 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for the parties appeared for a pre-motion conference by telephone. As stated on the record, the Court construed Defendants' pre-motion conference letter (Doc. 15) as their motion to dismiss under Federal Rules of Civil Procedure 12(b)(1), (5), and (6). *See In re Best Payphones, Inc.*, 450 F. App'x 8, 15 (2d Cir. 2011) (upholding construction of pre-motion letter as motion).

For the reasons stated on the record and the law cited therein, Defendants' motion to dismiss the action under Federal Rule of Civil Procedure 12(b)(1) is GRANTED. Given the Court's conclusion as to its lack of subject-matter jurisdiction, it need not and does not reach Defendants' arguments for dismissal under 12(b)(5) or (6).

The Clerk of the Court is respectfully directed to close this case.

SO ORDERED:

Dated: White Plains, New York
June 28, 2022



PHILIP M. HALPERN
United States District Judge